

REMARKS

Claims 1-2, 4-8 and 10-18 are pending in the application. Claims 3, 9 and 19-22 were previously canceled. Claim 1 has been amended and claims have been canceled by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 1-2, 4-8 and 10 -22 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,277,026 (Archer) in view of US Patent Publication No. 2003/0009375 (Stoltz et al). Reconsideration is respectfully requested.

Claim 103 Rejections

Claims 1-2, 4-8 and 10 -22 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Archer in view of Stoltz et al. Applicants respectfully traverse the rejection.

Independent claims 1, 6, 7 and 12 were previously amended in the Amendment filed with a Request for Continued Examination on December 12, 2007, to clarify the invention. In particular, claim 1 was amended to recite:

wherein the history of wins and losses is illustrated by
calculated statistical percentages,
wherein confidential addiction counseling is provided at
least through a self-check quiz and addiction risk ranking function,
and
wherein the subscription purchasing service provides
members with an ability to subscribe to at least one of a game and
a list of games; and select and play a list of various number
combinations in at least the one game and the list of games.

Claims 6, 7 and 12 were similarly amended previously. Claim 1 has now been amended by way of the present amendment to correct a typographical error. Support for all of the above amendments is provided at least by previously presented claims, and paragraphs [0045] to [0046]; and shown at least in **FIG. 1** at reference numbers **16, 18, 60, 62** and **64** of the

application, as shown in US Patent Application Publication US 2003/0023547. Therefore, the amendments raise no question of new matter.

Applicant respectfully submits that the outstanding Office Action, dated January 10, 2008, appears to primarily repeat the rejections of the previous Office Action dated June 12, 2007, with the exception of a change in the rejection of the claim limitation that is shown in the paragraph terminating at **page 4** of the Office Action:

wherein the choice of member functions and content presented to pre-registered user members further comprises accessing a member's account and content for selectively determining a current balance, customer service options, history of wins and losses, and subscriptions for play that are currently *alive* (emphasis added).

The typographical error corrected by the present amendment converts the emphasized “alive” to the correct term “active.”

However, the outstanding Office Action of January 10, 2008, nowhere addresses the new claim limitations that were included in the amendment filed with the RCE of December 12, 2007, and discussed above, that, in particular for claim 1 recites:

wherein the history of wins and losses is illustrated by calculated statistical percentages,
wherein confidential addiction counseling is provided at least through a self-check quiz and addiction risk ranking function,
and
wherein the subscription purchasing service provides members with an ability to subscribe to at least one of a game and a list of games; and select and play a list of various number combinations in at least the one game and the list of games.

Claims 6, 7 and 12 were similarly amended. That is, the outstanding Office Action nowhere addresses the new limitations that are now a part of this application and is thus an incomplete Office Action. Applicant respectfully requests a complete and non-final Office Action in response to the present amendment, which merely corrects a typographical error and raises no new issues. The arguments from the December 12, 2007, Amendment are repeated below for the Examiner's convenience.

Archer discloses a system and method for facilitating the sale of a lottery ticket online that includes a data storage system and a data processing system.¹ In addition, Archer discloses a system **100** that includes a network such as the Internet **102**, an ISP **104** which has been authorized by a lottery commission (e.g., a state-run lottery commission or authority) to act as a lottery service provider (LSP), an ISP **112**, lottery commission systems **118** which may be operated by a state-run lottery commission, and an exemplary user population further including users **108**, **110**, **114**, and **116**.² Further, Archer discloses a method, carried out within the system **100**, to facilitate the purchase and sale of lottery tickets online.³

In particular, Archer discloses that a user will point his browser software to a lottery service provider (LSP) **104** managed web site to purchase a lottery ticket online and will select a page or option indicating his desire to purchase a lottery ticket online.⁴ Further, Archer discloses presenting a verification web form to the user for him to verify personal data (e.g., name and address, payment data, lottery ticket entry value, etc.) and whether the user validated the lottery ticket purchase information.⁵ Furthermore, Archer disclose that the LSP **104** will verify the user's payment method.⁶

Further, Archer discloses making a determination as to whether a match exists between a user's personal identification information (e.g., his personal profile data and secure lottery ticket purchase code) that is consistent with a winning ticket. This matching operation involves the determination if a previously stored secure lottery ticket purchase code within LSP **104** is the same as a alleged code (which may be referred to as a "request code") proffered by a person seeking to collect on winning lottery amount.⁷

¹ Archer at ABSTRACT.

² *Id.* at FIG. 1; column 4, lines 54-63.

³ *Id.* at FIG. 4A to FIG. 4E; column 7, lines 37-47.

⁴ *Id.* at FIG. 4A; column 7, lines 54-59.

⁵ *Id.* at FIG. 4B; column 8, lines 40-47.

⁶ *Id.* at column 8, lines 49-51.

⁷ *Id.* at FIG. 5B; column 10, lines 8-19.

Furthermore, as shown in **FIG. 6** below, Archer discloses a diagram of a database table used for storing information related to lottery tickets purchased online which may be propagated

| 602 LOTTERY NUMBER | 604 USER PROFILE DATA | 606 SECURE LOTTERY TICKET PURCHASE CODE | 608 OTHER DATA |
|-----------------------|---|--|-------------------|
| 376 | JOHN JONES, 3 ELM STREET, HOMETOWN, USA, 12345-3333, (999)555-1212, CC: VISA 6666 5555 4444 3333 EXP. 02/01/99 | 013E7XJ29 | ... |

FIG. 6

with data and processed in accordance with the steps illustrated in flowcharts depicted in **FIGS. 4A-4E and 5A-5C** as discussed from column 7, line 36 to column 11, line 8 of the application. In particular, Archer discloses database table **600** shows four columns and two rows, wherein Row **R1** contains column headings under which data including LOTTERY NUMBERS, USER PROFILE DATA, SECURE LOTTERY TICKET PURCHASE CODES, and OTHER DATA may be stored; and Row **R2** contains actual data related to a lottery ticketed which was purchased online via the Internet. Moreover, the OTHER DATA column for Mr. Jones' lottery ticket may include date of purchase, payoff amount in dollars, place of purchase, lottery name, lottery management system identification (in the case that LSP **104** sells lottery tickets for lotteries maintained by one or more jurisdictions, for example) date of lottery drawing, and/or any other data that may be needed to effectively operate a lottery in which lottery tickets may be purchased online and, possibly, via the Internet (emphasis added).⁸

However, Archer nowhere discloses, as recited in amended independent claims 1 and 7:

wherein the history of wins and losses *is illustrated by
calculated statistical percentages,*

⁸ Archer at FIG. 6 and column 10, lines

wherein *confidential addiction counseling is provided at least through a self-check quiz and addiction risk ranking function,*
and

wherein *the subscription purchasing service provides members with an ability to subscribe to at least one of a game and a list of games; and select and play a list of various number combinations in at least the one game and the list of games* (emphasis added).

That is, it is respectfully submitted, even with a broad interpretation of “OTHER DATA” Archer does NOT disclose “the history of wins and losses is illustrated by calculated statistical percentages” or “confidential addiction counseling is provided at least through a self-check quiz and addiction risk ranking function.” A word search of both Archer clearly reveals no explicit disclosure of these limitations and it is respectfully submitted that Archer in fact teaches away from these limitations since the claimed information is NOT “*other data that may be needed to effectively operate a lottery,*” as stated in Archer.

Further, Archer nowhere discloses “providing access to a subscription purchasing service for members,” as recited in the amended claims. In particular, it should be noted that Archer nowhere discloses, as recited in amended independent claims 6 and 12 recite:

providing access to a subscription purchasing service for
members,
wherein the subscription purchasing service for members further comprises subscribing to at least one of a game and a list of games; and selecting a list of various number combinations in at least the one game and the list of games to play (emphasis added).

That is, Archer nowhere discloses providing “members” with access to: “subscribing to at least one of a game and a list of games; and selecting a list of various number combinations in at least the one game and the list of games to play,” as recited in amended claims. Thus, in consideration of the above, it is respectfully submitted that Archer does not disclose, suggest or make obvious the claimed invention.

The outstanding Office Action acknowledges deficiencies in Archer and attempts to compensate for these deficiencies with Stoltz et al.⁹ However, as discussed below, Stoltz et al. cannot overcome all of the deficiencies of Archer.

Stoltz et al. discloses a method for managing a public lottery and more particularly to a method under the control of a computer system which is connected to a telecommunication system, *said telecommunication system having subscribers* (emphasis added).¹⁰ In particular, Stoltz et al. discloses identifying telecommunication system subscribers by means of a subscriber identifier in the telecommunication system, sending to the connected subscriber a menu of selection information from the computer system, receiving by the computer system selection information in response to a selection action of the subscriber, assigning a unique identification code to the connected subscriber on the basis of the subscriber identifier, sending the unique identification code to the connected subscriber, said code forming a code for a unique lot in the lottery.¹¹

However, Stoltz et al. nowhere discloses, as recited in amended independent claims 1 and 7:

wherein the history of wins and losses *is illustrated by calculated statistical percentages*,
wherein *confidential addiction counseling is provided at least through a self-check quiz and addiction risk ranking function*,
and
wherein *the subscription purchasing service provides members with an ability to subscribe to at least one of a game and a list of games; and select and play a list of various number combinations in at least the one game and the list of games* (emphasis added).

That is, it is respectfully submitted that the methods of Stoltz et al. does NOT overcome all of the deficiencies of Archer. Therefore, it is respectfully submitted that neither Archer nor Stoltz et al., whether taken alone or in combination, disclose, suggest or make obvious the claimed

⁹ Outstanding Office Action at page 3, line 17.

¹⁰ Stoltz et al. at ABSTRACT.

¹¹ *Id.* at paragraph [0005].

invention and that claims 1, 6, 7 and 12, and claims dependent thereon, patentably distinguish thereover.

Conclusions

In view of the foregoing, Applicant believes the application is in condition for allowance and favorable reconsideration is requested. If a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22051-00002-US1 from which the undersigned is authorized to draw.

Dated: July 10, 2008

Respectfully submitted,

By____/Myron Keith Wyche/_____
Myron Keith Wyche, Reg. No. 47,341
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036-3425
(202) 331-7111
(202) 293-6229 (Fax)
Agent for Applicant